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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE COMMISSION,  
Plaintiff,  
v.  
DAVID MATA,  
Defendant.

Case No. 3:22-cv-02565-RS

**Stipulation and Order For Entry  
of Judgment and to Vacate  
Court Dates**

The parties stipulate and agree as to the following:

1. The parties to this stipulation are plaintiff, the Securities and Exchange Commission (“SEC”), and defendant, David Mata (“Mata”).
2. “The Block Bits Civil Cases”: On April 27, 2022, the SEC filed a civil action against Block Bits Capital, LLC, Block Bits Capital GP I, LLC and Japheth Dillman. *See SEC v. Block Bits Capital, LLC, Block Bits Capital GP I, LLC and Japheth Dillman*, 3:22-cv-02563-RS. The SEC also filed a separate civil action against David Mata. *See SEC v. David Mata*, 3:22-cv-2565-RS. The allegations in the two SEC civil complaints are substantially the same, namely that Dillman and Mata made misrepresentations in the promotion of their enterprise, the Block Bits Fund I.

3. The SEC filed a separate complaint against Mata because the SEC and Mata had worked out a resolution of the matter and, accordingly, filed a Consent and Proposed Judgment at the time of filing the complaint. *See* Proposed Order of Judgment and Consent. [#2].

4. The Consent of Mata provides: “Defendant agrees that the Commission may present the Judgment to the Court for signature and entry without further notice.” (#2-1).

5. The Proposed Judgment orders, among other things, that Mata is: enjoined from violating federal securities laws and the Investment Advisors Act of 1940; enjoined from participating in the issuance, purchase, offer, or sale of any securities (except for his own personal account); and is liable for disgorgement of \$75,000 plus prejudgment interest. [#2].

6. With regard to civil monetary penalties, the Proposed Judgment does not order such penalties at this time. However, the SEC reserved the right to seek such penalties at a later time by filing a motion with the Court. In addition, the Proposed Judgment provides that “this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.” [#2].

7. Accordingly, the parties agree that the Court may sign the Proposed Judgment and enter it as the final judgment in this case. (In the event that the SEC decides to seek civil monetary penalties, the SEC will file a motion with the Court which will re-open the case for the purposes of this issue.)

8. If the Court agrees with the Parties’ stipulation and signs the Proposed Judgment, the Parties believe that the Clerk’s notice setting the Case Management Statement date (August 24, 2022) and the Case Management Conference date (August 31, 2022) (#10) are moot and should be vacated.<sup>1</sup>

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<sup>1</sup> The related criminal case pending against Mr. Mata (*U.S. v. David Mata*, 22-cr-00171-RS), in which Mr. Mata has pleaded guilty and is pending sentencing, is not affected by this Stipulation. Stipulation and Order for Entry of Judgment 3:22-cv-0265-RS

1           9.       WHEREFORE, the parties stipulate and agree that: (1) the Court may sign and enter  
2 the Proposed Judgment, and (2) Vacate the Case Management Statement date and the Case  
3 Management Conference date.

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5           Dated: August 15, 2022

/s/ John K. Han  
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11           Dated: August 15, 2022


/s/ David R. Callaway / jkh with permission  
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18                           **ORDER**

19           PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court will sign and enter the  
20 proposed Judgment. The currently scheduled dates for filing a Case Management Statement (August  
21 24, 2022) and the Case Management Conference itself (August 31, 2022) are accordingly vacated as  
22 moot.

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25           DATED: August 17, 2022

  
THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE